HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

Writ Petition No. 28936 of 1995

Between:

Thallapalli Mogili

..Petitioner

And

Deputy Secretary to Government of India,
Ministry of Home Affairs,
Loknayak Bhavan,
New Delhi and others.

..Respondents.

:ORDER:

Counsel for the petitioner : None
Counsel for respondent No.1 : Shri A. Rajashekar Reddy,
Assistant Solicitor General
Counsel for respondent No.2: : Government Pleader for Revenue.

October 10, 2006:

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In this petition, the petitioner prayed for issue of a Mandamus to respondent Nos. 1 and 2 to place his application before the screening committee for consideration of his case for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

On the last date of hearing i.e., 12-07-2006, the court had directed the State Government to process the application of the petitioner within two weeks and forward the same to the Government of India, Ministry of Home Affairs, with a further direction to the latter to decide his claim for grant of pension.

Although, the counsel for the petitioner has thought it proper not to appear and assist the court, I do not consider it necessary to defer the disposal of the writ petition because the learned Government Pleader for Revenue, on the basis of instructions given to him by the departmental authorities, made a statement that after making due enquiry, the Collector, Warangal district has reported that the petitioner is not eligible to get freedom fighter's pension either from the Central Government or the State Government and to this effect communication dated 21-07-2006 has been sent to the Under Secretary to the Government

of India, Ministry of Home Affairs, New Delhi.

On being asked by the court, learned Government Pleader produced a Xerox copy of letter dated 21-07-2006, which is taken on record.

In view of the above development, the writ petition is disposed of as infructuous with liberty to the petitioner to file fresh petition, if he wishes to challenge the finding recorded by the Collector, Warangal on the issue of his eligibility and entitlement to be treated as freedom fighter for the purpose of pension under the 1980 Scheme.

G.S. SINGHVI, CJ

10-10-2006
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